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EXAMINER	
GREENE, JOSEPH L	

ART UNIT	PAPER NUMBER
2451	

NOTIFICATION DATE	DELIVERY MODE
03/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/826,468	LINHARDT, PETER	
	Examiner	Art Unit	
	JOSEPH GREENE	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7-13,16-19,21,22 and 25-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 7-13, 16-19, 21-22, and 25-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 7-13, 16-19, 21-22, and 25-27 are currently pending in this application.

2. Claims 1, 8, 10, and 21 are amended as filed on 01/27/2010.

3. Claims 25-27 are new as filed on 01/27/2010.

Claim Rejections - 35 USC § 103

4 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 9-10, 18-19, 21-22, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (Patent No. US 7,000,015 B2), hereinafter Moore, in view of Yufik (Patent No. 5,794,224).

6. With respect to claim 1, Moore disclosed a method for associating computer network identifications with network policies (column 17, lines 4-7), said method comprising the steps of: analyzing a network interface associated with a client computer using a plurality of network detectors including a first detector and a second detector (column 13, lines 28-34, 38-44, where the NLRSP is not a single entity, rather, it is a set

of services that combined form the plurality of network detectors. Furthermore, analysis is required to perform the functions of the NLRSP), the detectors outputting a set of netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the other information that applications frequently need), each netspec comprising a first token identifying a detector used for the analysis (column 14, lines 61-66, where the GUID is discovered by the first token according to the first token's description found in the applicant's specification on page 5) and a second token identifying the analyzed network interface (column 14, lines 61-66, where the other information is determined from the second token. Also, see column 16, lines 27-29, which shows that detecting an IP address is part of the NLRSP in accordance with the applicant's specification on page 5);

Moore also disclosed associating the network identifications made by the netspecs with locations based at least in part on the priority order of the set of netspecs (column 13, lines 43-44, where the priority order is the one in the aforementioned queue) and feeding associated network identification/ locations pairs (column 13, lines 59-67 to column 14, line 1) to a network interface module to implement desired network policies (column 13, lines 28-34).

However, Moore did not explicitly state wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting, nor did Moore explicitly state determining that the first detector that outputs a first netspec of the set of netspecs is more reliable in ob serving network interfaces than the second detector that outputs a second netspec of the set of netspecs and awarding

a higher priority to the first netspec than to the second netspec in response to the first netspec being output by the first detector and the first detector being more reliable than the second detector. On the other hand, Yufik did teach wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting (abstract, lines 1-13) and determining that the first detector that outputs a first netspec of the set of netspecs is more reliable in ob serving network interfaces than the second detector that outputs a second netspec of the set of netspecs and awarding a higher priority to the first netspec than to the second netspec in response to the first netspec being output by the first detector and the first detector being more reliable than the second detector (abstract, lines 1-13 and column 2, lines 8-9). Both the systems of Moore and Yufik are directed towards self-adaptive networks to improve network performance (see Moore, Column 1, lines 28-33, where the cited reference describes one of the problems Moore is attempting to solve). Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to modify the teachings of Moore, to utilize prioritization based on comparison reliability, as taught by Yufik, in order to provide a system that is more reliable, by utilizing nodes that are more reliable.

7. As for claim 9, the combination of Moore and Yufik disclosed all of the limitations described in claim 1. In addition, Moore taught wherein the step of feeding the associated network identification/location (column 13, lines 59-67 to column 14, line 1) pairs to a network interface module comprises using a policy guide to feed the network

identification/location pairs to the network interface module on a real-time basis (column 13, lines 38-42).

8. With respect to claim 10, Moore disclosed an apparatus for associating computer network identifications with network policies (column 17, lines 4-7), said apparatus comprising the steps of: analyzing a network interface associated with a client computer using a plurality of network detectors including a first detector and a second detector (column 13, lines 28-34, 38-44, where the NLRSP is not a single entity, rather, it is a set of services that combined form the plurality of network detectors. Furthermore, analysis is required to perform the functions of the NLRSP), the detectors outputting a set of netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the other information that applications frequently need), each netspec comprising a first token identifying a detector used for the analysis (column 14, lines 61-66, where the GUID is discovered by the first token according to the first token's description found in the applicant's specification on page 5) and a second token identifying the analyzed network interface (column 14, lines 61-66, where the other information is determined from the second token. Also, see column 16, lines 27-29, which shows that detecting an IP address is part of the NLRSP in accordance with the applicant's specification on page 5);

Moore also disclosed associating the network identifications made by the netspecs with locations based at least in part on the priority order of the set of netspecs (column 13, lines 43-44, where the priority order is the one in the aforementioned

queue) and feeding associated network identification/ locations pairs (column 13, lines 59-67 to column 14, line 1) to a network interface module to implement desired network policies (column 13, lines 28-34).

However, Moore did not explicitly state wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting, nor did Moore explicitly state determining that the first detector that outputs a first netspec of the set of netspecs is more reliable in ob serving network interfaces than the second detector that outputs a second netspec of the set of netspecs and awarding a higher priority to the first netspec than to the second netspec in response to the first netspec being output by the first detector and the first detector being more reliable than the second detector. On the other hand, Yufik did teach wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting (abstract, lines 1-13) and determining that the first detector that outputs a first netspec of the set of netspecs is more reliable in ob serving network interfaces than the second detector that outputs a second netspec of the set of netspecs and awarding a higher priority to the first netspec than to the second netspec in response to the first netspec being output by the first detector and the first detector being more reliable than the second detector (abstract, lines 1-13 and column 2, lines 8-9). Both the systems of Moore and Yufik are directed towards self-adaptive networks to improve network performance (see Moore, Column 1, lines 28-33, where the cited reference describes one of the problems Moore is attempting to solve). Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to modify

the teachings of Moore, to utilize prioritization based on comparison reliability, as taught by Yufik, in order to provide a system that is more reliable, by utilizing nodes that are more reliable.

9. As for claim 18, the combination of Moore and Yufik disclosed all of the limitations described in claim 10. In addition, Moore taught wherein the feeding means comprises: a policy guide for associating the network identifications with the locations (column 13, lines 59-67 to column 14, line 1, where the policy guide is inherent to unique naming); wherein the network interface module implements the network policies based upon the locations fed to the network interface module by the policy guide (column 13, lines 28-34).

10. As for claim 19, the combination of Moore and Yufik disclosed all of the limitations described in claim 10. In addition, Moore taught coupled to the network interface module, a user interface adapted to enable a user of the client computer to associate the locations with the network policies (column 17, lines 4-7, furthermore, it is implicit that if a user is to interface with the device, then there will be some sort of user interface present).

11. With respect to claim 21, Moore disclosed at least one computer readable-medium containing computer program instructions for associating computer network identifications with network policies, said computer program instructions comprising the

steps of: (column 17, lines 4-7), said method comprising the steps of: analyzing a network interface associated with a client computer using a plurality of network detectors including a first detector and a second detector (column 13, lines 28-34, 38-44, where the NLRSP is not a single entity, rather, it is a set of services that combined form the plurality of network detectors. Furthermore, analysis is required to perform the functions of the NLRSP), the detectors outputting a set of netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the other information that applications frequently need), each netspec comprising a first token identifying a detector used for the analysis (column 14, lines 61-66, where the GUID is discovered by the first token according to the first token's description found in the applicant's specification on page 5) and a second token identifying the analyzed network interface (column 14, lines 61-66, where the other information is determined from the second token. Also, see column 16, lines 27-29, which shows that detecting an IP address is part of the NLRSP in accordance with the applicant's specification on page 5).

Moore also disclosed associating the network identifications made by the netspecs with locations based at least in part on the priority order of the set of netspecs (column 13, lines 43-44, where the priority order is the one in the aforementioned queue) and feeding associated network identification/ locations pairs (column 13, lines 59-67 to column 14, line 1) to a network interface module to implement desired network policies (column 13, lines 28-34).

However, Moore did not explicitly state wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the

sorting, nor did Moore explicitly state determining that the first detector that outputs a first netspec of the set of netspecs is more reliable in ob serving network interfaces than the second detector that outputs a second netspec of the set of netspecs and awarding a higher priority to the first netspec than to the second netspec in response to the first netspec being output by the first detector and the first detector being more reliable than the second detector. On the other hand, Yufik did teach wherein detectors considered more reliable in observing network interfaces than other detectors are awarded priority in the sorting (abstract, lines 1-13) and determining that the first detector that outputs a first netspec of the set of netspecs is more reliable in ob serving network interfaces than the second detector that outputs a second netspec of the set of netspecs and awarding a higher priority to the first netspec than to the second netspec in response to the first netspec being output by the first detector and the first detector being more reliable than the second detector (abstract, lines 1-13 and column 2, lines 8-9). Both the systems of Moore and Yufik are directed towards self-adaptive networks to improve network performance (see Moore, Column 1, lines 28-33, where the cited reference describes one of the problems Moore is attempting to solve). Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to modify the teachings of Moore, to utilize prioritization based on comparison reliability, as taught by Yufik, in order to provide a system that is more reliable, by utilizing nodes that are more reliable.

12. As for claim 22, the combination of Moore and Yufik disclosed all of the limitations described in claim 1. In addition, Moore taught wherein the client computer has a plurality of network interfaces (column 17, lines 4-19, where an ICS policy is for a first interface and a corporate firewall policy is for a second interface) and further comprising: analyzing each of the plurality of network interfaces using the plurality of network detectors (column 16, lines 55-57, where determining connection types is analyzing network interfaces); and analyzing the netspecs for the plurality of network interfaces output by the plurality of network detectors to identify a set of unique network interfaces (column 16, lines 58-60, where resolving an internet name utilizes the netspecs obtained by the NLRSP); wherein interfaces in the set of unique network interfaces are associated with locations responsive to the set of netspecs (column 16, lines 37-39, where the private side is the location).

13. As for claim 25, it is rejected on the same basis as claim 1 above. In addition, Yufik taught a user interface which allows a user of the client computer to set or change the priority order of the set of netspecs (column 11, line 55 to column 12, line 3).

14. As for claim 26, it is rejected on the same basis as claim 1 above. In addition, Moore taught detecting network interfaces (column 14, lines 61-66) and Yufik taught wherein certain of the plurality of network detectors detect a first network item and the netspecs output by the certain network detectors are awarded priority based on how

reliable each of the certain network detectors is in identifying the first item (abstract, lines 1-13).

15. As for claim 27, it is rejected on the same basis as claim 26 above. In addition, Yufik taught selecting a netspec awarded a highest priority of the netspecs output by the certain network detectors identifying the first network interface; looking up a corresponding location identifier for the highest priority netspec in a netspec database; and associating the first network interface with a location identified by the corresponding location identifier for the highest priority netspec (abstract, lines 1-13, where this is the process of choosing based on weights and the term location, under its broadest reasonable interpretation, can simply be the logical location of a node in a network).

16. Claims 2-3, 7-8, 11-13, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view Yufik, and in further view of Aaron (Pre-Grant Publication No. US 2004/0268150 A1).

17. As for claim 2, the combination of Moore and Yufik disclosed all of the limitations described in claim 1. In addition, Moore taught using a network interface module but did not explicitly state it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module. However, Aaron did teach it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module (0044, lines 5-7). It would have been obvious to a person of ordinary skill in the

art at the time of the invention to modify the teachings of Moore, to use a firewall module, as taught by Aaron, as firewall technology was available and in common use at the time. Furthermore, utilizing firewall technology would have been sought after to produce a safer computing environment in a viral computer age.

18. As for claim 3, the combination of Moore and Yufik disclosed all of the limitations described in claim 1, but Moore did not explicitly state a user of the client computer adjusts firewall settings to set network policies. However, Aaron did teach a user of the client computer adjusts firewall settings to set network policies (0044, lines 4-7) based upon location (0042, lines 4-11, where the IP address is a location). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to utilize user settings in conjunction with firewalls, as taught by Aaron. At the time, many firewall systems, pop-up blockers, email filters, etc. allowed people to block specific addresses. Furthermore, utilizing firewall technology would have been sought after to produce a safer computing environment in a viral computer age.

19. As for claim 7, the combination of Moore and Yufik disclosed all of the limitations described in claim 1. In addition, Moore taught wherein the step of associating the network identifications with locations comprises using a network probe (column 13, lines 59-67 to column 14, line 1) and the concept of the netspec (column 13, lines 59-67 to column 14, line 1). But Moore did not explicitly state doing so in conjunction with

databases. However, Aaron did teach such a concept (0040, lines 29-36; 0044, lines 7-10). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to utilize device databases, as taught by Aaron. At the time, doing so would have provided more efficiency to the system and was in common use for data storage.

20. As for claim 8, the combination of Moore, Yufik, and Aaron taught all of the limitations described in claim 7 above. In addition, Moore taught wherein a user of the client computer modifies the netspec database via a location setting module (column 14, lines 52-56, The NLRSP modifies the database of netspecs by changing the location names of the netspecs. Furthermore, in the example given, the NLRSP names the location helpingout.org when the client is volunteering at a local agency. The name helpingout.org signifies that the user modifies the database location names because the computer would not know that the human user was volunteering at a local agency unless explicitly told) and Yufik taught modifications being performed by a user of a client computer (column 11, line 55 to column 12, line 3).

21. As for claim 11, the combination of Moore and Yufik disclosed all of the limitations described in claim 10. In addition, Moore taught using a network interface module but did not explicitly state it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module. However, Aaron did teach it consisting of one of a firewall, a

router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module (0044, lines 5-7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to use a firewall module, as taught by Aaron, as firewall technology was available and in common use at the time. Furthermore, utilizing firewall technology would have been sought after to produce a safer computing environment in a viral computer age.

22. As for claim 12, the combination of Moore and Yufik disclosed all of the limitations described in claim 10, but Moore did not explicitly state wherein the network interface module is a firewall, and the network policies are implemented on a packet-by-packet basis. However, Aaron did teach wherein the network interface module is a firewall, and the network policies are implemented on a packet-by-packet basis (0040, lines 29-36). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to use a firewall module, as taught by Aaron, as firewall technology was available and in common use at the time. Furthermore, packet transmission is and was the standard form of transmission of networks.

23. As for claim 13, the combination of Moore, Yufik, and Aaron described all of the limitations described in claim 12 above. In addition, Aaron taught wherein locations are

correlated with firewall settings on a distributed basis within the firewall (0042, lines 4-11, where the IP address is a location).

24. As for claim 16, the combination of Moore and Yufik disclosed all of the limitations described in claim 10, but Moore did not explicitly state a netspec database associating the netspecs with locations. However, Aaron did teach such a system (0040, lines 29-36; 0044, lines 7-10). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to utilize device databases, as taught by Aaron. At the time, doing so would have provided more efficiency to the system and was in common use for data storage.

25. As for claim 17, the combination of Moore, Yufik, and Aaron disclosed all of the limitations described in claim 16. In addition, Moore taught coupled to the netspec database, a location setting module adapted to enable a user of the client computer to associate the locations with the netspecs (column 13, lines 59-67 to column 14, lines 1).

Response to Arguments

26. Applicant's arguments filed 01/27/2010 have been fully considered but they are not persuasive.

27. The applicant argues on page 9 that **"Yufik fails to disclose determining that a first network detector is more reliable in observing network interfaces than a**

second detector. The Examiner cites to Yufik's abstract (lines 1-13), however this passage (as mentioned above) only discloses weighting network links based on "the frequency and relative success of exercising those links in the previous allocation decisions". Yufik does not disclose determining, between two network detectors, which is more reliable in observing network interface." However, the nodes of Yufik are specifically weighted based on their reliability, as seen in abstract, lines 1-13 and column 2, lines 8-9. Thus, their relative weights will be utilized when determining (between two ore more), which node to use. Furthermore, the concept of observing an interface is taught by Moore that can be seen, for example, in column 14, lines 61-66.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH GREENE whose telephone number is (571)270-3730. The examiner can normally be reached on Mon - Thu, 8:00AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 5712723964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLG

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451